



DRAFT MINUTES
of the
Meeting of the
BOARD OF DIRECTORS
of the
SANTA BARBARA METROPOLITAN TRANSIT DISTRICT
A Public Agency
Tuesday, July 5, 2005
8:30 AM

Santa Barbara MTD Auditorium
550 Olive Street, Santa Barbara, CA 93101

DIRECTORS PRESENT:

Olivia Rodriguez, Vice Chair, David Davis, Director, Brian Fahnestock, Secretary

DIRECTORS NOT PRESENT:

John Britton, Chair, Logan Green, Director

MTD EMPLOYEES PRESENT:

Sherrie Fisher, General Manager, Jerry Estrada, Assistant General Manager/Controller, Tiara Lakey, Executive Assistant to the Board and the General Manager, David Damiano, Manager of Transit Development and Community Relations, Steve Maas, Manager of Strategic Planning and Compliance, Gabriel Garcia, HR & Risk Manager

OTHERS PRESENT:

Browning Allen, City of Santa Barbara Transportation Manager

1. CALL TO ORDER

Vice Chair Rodriguez called the meeting to order at 8:34 AM.

2. ROLL CALL OF THE BOARD OF DIRECTORS

Vice Chair Rodriguez noted that all members were present, with the exceptions of Chair Britton and Director Green.

3. REPORT REGARDING POSTING OF AGENDA

The General Manager reported that the agenda for this meeting was posted at the MTD administrative headquarters, on the MTD website and mailed to the media of general circulation.

CONSENT CALENDAR

4. APPROVAL OF PRIOR MINUTES

Director Davis moved to waive the reading of and approve the minutes for the Board meeting of June 14, 2005. Director Fahnestock seconded the motion. The motion passed unanimously.

5. CASH REPORT

Director Davis asked if the Finance Committee had met to review the cash report for May 17, 2005, through May 30, 2005. Director Fahnestock replied that the Finance Committee had not met, but that he had reviewed it and did not have any comments. Director Fahnestock moved to approve the cash report from May 17, 2005, through May 30, 2005. Director Davis seconded the motion. The motion passed unanimously.

Director Fahnestock moved to approve the cash report from June 10, 2005, through June 27, 2005. Director Davis seconded the motion. The motion passed unanimously.

Director Davis requested that the topic of contract employees be a future agenda item. The General Manager responded that this would be done and noted that the approved FY 2005 - 2006 budget included 3 months of contract service for one position. This contractor is assisting with the implementation of the new Maximus software (used by the maintenance department).

THIS CONCLUDES THE CONSENT CALENDAR

6. PUBLIC COMMENT

There was no public comment.

7. FISCAL YEAR 2005 AUDIT

The General Manager reviewed the proposed engagement agreement with McGowan Guntermann with the Board. The General Manager noted that McGowan Guntermann has conducted this single financial audit of MTD in the past and that the cost quoted is the same as last year's. Director Fahnestock instructed MTD staff to prepare a request for quotes (RFQ) for the 2006 audit. The General Manager replied that this would be done in time for the 2006 audit.

Director Fahnestock moved to approve the engagement agreement with McGowan Guntermann. Vice Chair Rodriguez seconded the motion. The motion passed unanimously.

8. FY2005 TRIENNIAL FEDERAL TRANSIT ADMINISTRATION (FTA) REGION IX REVIEW

The General Manager reviewed the results from the FY2005 Triennial Federal Transit Administration (FTA) Region IX review. This FTA review was conducted by FTA auditors, a requirement for MTD's continued eligibility for Federal funding and found that MTD was in compliance in 23 out of 23 Triennial Review areas. The General Manager announced that the FTA had commended MTD for this rarely accomplished outstanding effort.

At this time the General Manager and the Board members thanked Jerry Estrada, Assistant General Manager/Controller, Steve Maas, Manager of Strategic Planning and Compliance who led the Review and she also thanked MTD's managers whose efforts keep their departments in compliance on a daily basis.

Director Fahnestock moved to accept the results from the FY2005 Triennial Federal Transit Administration (FTA) Region IX review. Director Davis seconded the motion. The motion passed unanimously.

9. CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

The Board reviewed the master agreement with the City of Santa Barbara Waterfront Department regarding the Wharf Woody. The General Manager reported that the Santa Barbara City Council authorized this expenditure on June 28, 2005 and requested that the Wharf Woody Shuttle service be administered by the Waterfront department for 2005-2006 instead of by the Transportation department.

The General Manager reported that this annual contract reflects a 3.6% increase in subsidy and a reduction to the current Wharf Woody Shuttle service. Due to reports of low ridership on the Wharf Woody Shuttle during the weekdays, MTD and the City of Santa Barbara have agreed to operate this Service during the weekends only.

Director Fahnestock asked if the increase of 3.6% in subsidy would cover MTD's increased costs. Mr. Estrada replied long-term contracts would need further evaluation.

Director Fahnestock moved to authorize the General Manager to enter into a master agreement with the City of Santa Barbara Waterfront Department regarding the Wharf Woody. Director Davis seconded the motion, but asked Mr. Browning Allen, City of Santa Barbara Transportation Planner (who was present at the meeting) if the City had also discussed moving funding and or the contract for the Waterfront Shuttle service to the Waterfront department. Mr. Allen responded that he was not aware of this, but noted if this is an additional transit funding option, it may be an item for discussion at the July 20th Joint meeting (with the Santa Barbara City Council Joint Meeting with the Santa Barbara City Council, Planning Commission, Transportation Circulation Committee (TCC), Downtown Parking Committee and MTD Board of Directors). The motion passed unanimously.

10. MASTER AGREEMENT WITH CITY OF SANTA BARBARA TRANSPORTATION DEPARTMENT

The General Manager reviewed the master agreement with the City of Santa Barbara Transportation Department regarding the Downtown Waterfront Shuttle, Commuter Lot Service, South Coast Transit Priorities (Crosstown Shuttle, Mesa Loop, Superstops) and capital assistance.

At this time there was a discussion regarding Superstops and their planned locations. Also discussed were possible funding options for more bus stops with shelters.

Director Davis asked about the 3.6% subsidy increase and if it would cover MTD's operating costs for these services. Mr. Estrada replied that as with the Wharf Woody Shuttle agreement, the increase would cover most of MTD's operating costs for this year. Director Fahnestock noted that this formula includes figures from the entire MTD fleet, which in turn brings down the cost for the City for the more costly electric vehicle service.

Director Davis requested the Board re-review this structure of this agreement next year and consider the actual costs of the electric shuttles. Mr. Estrada added that there are also capital costs that MTD has not included. Mr. Allen added that this agreement would be a good item for discussion at the July 20th Joint meeting (with the Santa Barbara City Council Joint Meeting with the Santa Barbara City Council, Planning Commission, Transportation Circulation Committee (TCC), Downtown Parking Committee and MTD Board of Directors).

Director Davis proposed the following language revisions for this agreement:

1. That the cancellation clauses that are within each section of the agreement be moved under general provisions.

2. Agreement is missing the number “2”.
3. Reference traffic mitigation (showing the history of where this agreement originated) by adding the following “The City’s Circulation Element, Central City Redevelopment Plan and Environmental Impact Report (EIR)” inserted before “TMP” of page 2, item c.
4. Add “, pursuant to the Central City Redevelopment Plan and EIR” after “the City of Santa Barbara”, which is within the 4th “Whereas” on page 2.
5. Change the title of the agreement to “Transportation Management and Transit Assistance”.
6. Remove the previous title of “Traffic Mitigation and Transit Assistance Master Agreement” and insert in its place, the proposed title change of “Transportation Management and Transit Assistance” on the last page (page 9), within the “In witness whereof” portion of the agreement.

With these proposed language revisions, Director Davis moved to authorize the General Manager to enter into a master agreement with the City of Santa Barbara Transportation Department regarding the Downtown Waterfront Shuttle, Commuter Lot Service, South Coast Transit Priorities (Crosstown Shuttle, Mesa Loop, Superstops) and capital assistance. Vice Chair Rodriguez seconded the motion. The motion passed unanimously.

At this time Mr. Allen thanked Mr. Estrada for all of his efforts and assistance with the preparation of the agreement. Director Davis replied that he appreciates the working relationship that Mr. Allen and Mr. Estrada have developed.

11. GENERAL MANAGER REPORT

The General Manager reported that she had recently met with the staff of Santa Barbara Association of Governments (SBCAG) to discuss an expenditure plan for Measure D funds.

Director Fahnestock asked if rail was still being considered to receive a large portion of the Measure D funds. The General Manager replied that rail is still being considered as one of the possibilities. Director Fahnestock noted that the cost of rail would use up at least 40% of the South Coast’s portion of funds for approximately 1,000 riders.

The General Manager updated the Board on upcoming procurements. Hybrid buses will be purchased as part of a consortium with San Joaquin Valley, using Federal funds as noted FY 05-06 Budget. Mr. Estrada reported on the procurement for these hybrid buses, which is scheduled to go out on Friday, July 8, 2005.

The General Manager also reported on the procurements for the electric vehicles for the County Service for Isla Vista and the purchase of a tow truck for the MTD maintenance department, which are also included within the FY 05-06 Budget and she hopes that these procurements will be completed by the beginning of this fiscal year.

The General Manager updated the Board on preparations for the upcoming July 20th Joint meeting with the Santa Barbara City Council Joint Meeting with the Santa Barbara City Council, Planning Commission, Transportation Circulation Committee (TCC), Downtown Parking Committee and MTD Board of Directors and noted that the Harbor Commission may

also be added to the roster. The General Manager stated MTD and City staff has been working together on a joint presentation.

Director Davis requested that a tentative agenda be included within the next General Manager's report.

The General Manager reviewed some of the highlights from the 10,000,000th shuttle passenger celebration, which occurred on June 29, 2005. The General Manager stated that this was a very successful event and thanked David Damiano, Manager of Transit Development and Community Relations and his staff for all of their efforts.

The General Manager updated the Board regarding the permit for the soil remediation at Calle Real and stated that the notices have gone out. There was a discussion regarding the contract terms and the timeline for this project. MTD remains hopeful that this project will be completed before the school year begins.

The General Manager reminded the Board that the Overpass property would be a topic for future discussion.

Per the Board's request Mr. Estrada gave an update on the implementation status of the planning department's software, Trapeze and the maintenance department's software, Maximus. Mr. Estrada stated that as with any implementation of new software, there have been some problems, but the data is more reliable for the maintenance department and that the implementation of Trapeze software continues, with the assistance of Paul Tumbleson, Manager of Passenger Facilities. Mr. Estrada added that a final review of the payroll portion of the Trapeze software will be done later today and may be used to perform the next pay period.

Mr. Damiano gave an update on the Valley Express Service. Mr. Damiano reported that the ridership is growing and that outreach to the public and MTD's drivers continues.

In closing the General Manager discussed Vice Chair Rodriguez' upcoming departure from the MTD Board of Directors. Vice Chair Rodriguez added that she would attend the meetings of July 19th & 20th and stated she has enjoyed her time on the MTD Board. Plans for a farewell lunch were also discussed.

12. OTHER BUSINESS AND COMMITTEE REPORTS

Director Davis stated that there had been an Ad hoc committee meeting regarding Measure D.

The Board discussed the Grand Jury report, which included the topic of regional transfers and regional service.

Director Davis reported that there had been a meeting of the Facilities Committee and that was attended by Steve Musick.

13. RECESS TO CLOSED SESSION-CLAIMS REVIEW (MARYLINA MOBLEY VS. MTD, GWEN KENNEDY VS. MTD AND STAN ACQUISTAPACE VS. MTD)

The Board met in closed session pursuant to Government Code §54956.9, conference with legal counsel (Anticipated Litigation) to discuss significant exposure of litigation between:

- 1) Marylina Mobley vs. MTD
No action was taken.
- 2) Gwen Kennedy vs. MTD

The Board instructed the General Manager to negotiate the claim for payment of defense fees.

Prior to item #13-3, Director Davis recused himself.

3) Stan Acquistapace vs. MTD

The Board with the exception of Director Davis, who had recused himself prior to this item, gave authority to the General Manager to settle this property claim.

**14. RECESS TO CLOSED SESSION- WORKERS' COMPENSATION CLAIM-
STEPHEN FRANCO**

The Board met in closed session pursuant to Government Code §54956.95(b) to consider settlement of a Workers' Compensation claim: Stephen Franco vs. MTD.

The Board gave authority to the General Manager to continue settlement negotiations.

15. ADJOURNMENT

The meeting adjourned at 10:33 AM.